

ELEMENT 4: TRAINING

A continuing program for educating people who require knowledge of the Export Regulations .

OBJECTIVE: To ensure training and education are provided, on a regular basis, to all employees involved in export-related activities.

PROCEDURE: For exporters adopting an EMS, it is recommended that a position, with an identified individual, be designated as responsible for the conduct of training on export control issues. This person should be qualified to conduct the training and should develop a training program that includes: a format, an agenda for training sessions, and an adequate schedule for training. The frequency of training will depend on the size of, and personnel turnover at the firm, and changes to the U.S. regulations and policies. Training should be ongoing and performed regularly for each employee.

Orientation training of a new employee involved in export-related activities is essential. Topics to be addressed may include:

- ◆ the organizational structure of export-related departments and functions,
- ◆ the role of the EMS Administrator,
- ◆ U.S. export regulatory requirements, and
- ◆ EMS company procedures.

Training should be periodic to reinforce knowledge and to communicate changes in the U.S. Export Administration Regulations, company procedures and application of the regulations to new commodities, technology, software or services destined for export. Refresher courses and update sessions may cover topics such as:

- ◆ the purpose and scope of export controls including license types/requirements,
- ◆ regulatory changes and new requirements,
- ◆ destination and item restrictions,
- ◆ order processing and end-user screens such as the Denied Persons Screen, Diversion-Risk Screen, nuclear, chemical and biological, and missile restrictions screens,
- ◆ procedures concerning exports and reexports, with documented checks,
- ◆ new customer review procedures, and
- ◆ identification and description of non-compliance and what to do if non-compliance is suspected.

When implementing a training program, a schedule should be developed and a memo circulated to identify the date, time and place of the training sessions. All positions should be identified in the EMS. Training should be scheduled for and provided to all employees in export-related departments (i.e. sales, contracts, customer service, credit, order entry, shipping, etc.) Once a training session begins, a log should be used to document those people in attendance, the subject(s) covered, date(s) of training and the instructor's name.

A training program should encompass all applicable sections of the EAR. Important topics include: Scope of the EAR, General Prohibitions, License Exceptions, Proliferation Screening, Denied Persons and Diversion-Risk Screening, Technical Data, Authorized Reexports, Cases when Licenses are required, Recordkeeping Requirements, Export Document Preparation, Shipper's Export Declarations, Air Waybills, Commercial Invoices, etc.

COMMENTS: A qualified trainer is one who is well-educated and an expert in the field of export-related functions. A person's qualifications should include: practical work experience, attendance at seminars and knowledge of EAR requirements.

A suggested training schedule for large firms would consist of one brief (refresher) session a month plus one annual, three hour-review.

At small firms, where a majority of the export control functions may be the responsibility of one individual, an elaborate formalized training program may not be necessary. However, that one individual should keep abreast of all the changes to export control regulations that affect the company. Also, it is a good idea for this individual to "train" a backup employee to assume all export control responsibilities when the primary export control official is out of the office.

There are three styles of training that may be used to satisfy this element: formal, informal, and written memoranda. All three styles should be combined for maximum effectiveness. As stated above, the frequency of training and the style used will depend on the overall size, budget and personnel turnover of the firm.

- A. The formal style of training occurs in a structured setting where meetings are held and agendas are followed. Charts, graphs and modules may be used and manuals written which are applicable to the business.
- B. The informal style of training occurs on an ongoing, less structured basis. The verbal exchange of information in a work environment is educational in nature and is a viable means of training.
- C. The circulation of written memoranda may be an appropriate way to train a small number of personnel who interact on a daily basis.

The EMS manual is an excellent training tool. As a training instrument, the EMS manual can answer "who," "how," "when," and "where," questions posed by new and current employees.